

EDWARD H. KUBO, JR. # 2499
United States Attorney
District of Hawaii

RONALD G. JOHNSON # 4532
Violent Crimes Section Chief

MARSHALL H. SILVERBERG # 5111
Assistant U.S. Attorney
Room 6-100, PJKK Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-2958
Email: marshall.silverberg@usdoj.gov

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 12 2005
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WALTER A.Y.H. CHINN, CLERK

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. CR 05-00030
Plaintiff,)
vs.) INDICTMENT
SHERWIN R. DIAZ, (01))
ROY T. TACATA, (02))
Defendants.)

SOM

INDICTMENT

(18 U.S.C. §§ 922(j), 2 and 924(a)(2))
(possession of and aiding and abetting
the possession of a stolen firearm)

The Grand Jury charges that:

On or about October 06, 2004, in the District of Hawaii, defendants SHERWIN R. DIAZ and ROY T. TACATA did knowingly possess and aid and abet the possession of a stolen firearm which had previously been shipped and transported in interstate commerce, to wit, a stolen Beretta Model 92FS 9mm caliber semiautomatic pistol, with serial number BER 1799972Z,

manufactured by Beretta in the State of Maryland and previously shipped and transported in interstate commerce to Hawaii.

All in violation of Title 18, United States Code, Sections 922(j), 2, and 924(a)(2).

Facts to be Proven at Sentencing

1) With respect to section 2K2.1(b)(5) of the United States Sentencing Guidelines, the defendants SHERWIN R. DIAZ and ROY T. TACATA possessed the firearm in connection with other felony offenses, to wit:

- (a) Burglary in the First Degree, in violation of Hawaii Revised Statutes § 708-810;
- (b) Unauthorized Control of a Propelled Vehicle, in violation of Hawaii Revised Statutes § 708-836;
- (c) Promoting a Dangerous Drug in the Third Degree, in violation of Hawaii Revised Statutes § 707-1243; and

2) With respect to section 2K2.1(b)(4) of the United States Sentencing Guidelines, the firearm was stolen.

DATED: JAN 12 2005, at Honolulu, Hawaii.

A TRUE BILL

/SI

FOREPERSON, GRAND JURY

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

Marshall Silverberg
RONALD G. JOHNSON
Assistant U.S. Attorney

Marshall Silverberg
MARSHALL H. SILVERBERG
Assistant U.S. Attorney

UNITED STATES v. SHERWIN DIAZ AND ROY TACATA,
Cr. No. (Indictment)